

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	CASE NO. 1:18-CR-708
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
v.)	
)	
KENNETH TYSON,)	<u>DEFENDANT’S MOTION TO</u>
)	<u>CONTINUE TRIAL DATES AND</u>
Defendant.)	<u>PRETRIAL DEADLINES</u>

Defendant Kenneth Tyson, through his undersigned counsel, respectfully moves this Court for a continuance of the trial dates and all pretrial deadlines, including all pretrial motions and trial document due dates, in this case (hereinafter, this “Motion”). For the reasons set forth in this Motion, Mr. Tyson respectfully requests that this Motion be granted, and the Court set a trial date in November 2019, at the earliest, with all pretrial deadlines to correspond consistent therewith.

I. BACKGROUND

On November 21, 2018, a federal grand jury indicted Mr. Tyson for various alleged acts that occurred beginning in 2013 and continuing through, according to the Indictment, November 2018 (Doc. 1). Per this Court’s initial Trial Order, the case was originally set for trial to begin on February 12, 2019. On January 7, 2019, Mr. Tyson filed an unopposed Motion to Continue, requesting a trial date in August 2019, at the earliest. (Doc. 12). The Court issued an order granting the motion on January 14, 2019. (Doc. 13).

The trial in this case is currently set to being on August 13, 2019. The final pretrial is set for August 6, 2019, and pretrial motions are due on July 23, 2019, with responses in opposition due July 30, 2019. This Motion, therefore, follows.

II. DISCUSSION

As detailed in Mr. Tyson's first Motion to Continue (Doc. 12), which was filed as unopposed by the government, this case involves serious and complex allegations spanning multiple years and, the defense believes, at least one cooperator.¹ At the time of Mr. Tyson's first request for a continuance, the government had not supplied the defense with the lion's share of the discovery. Instead, the defense relied upon the various government representations that the discovery it intended to produce would be voluminous. Since then, the government has supplied tens of thousands of documents, including personnel records, emails, bank records, and business records. The defense continues to work through and analyze the documents provided in discovery. However, more time is necessary to review the data, to prepare defense motions, and to prepare for a possible trial.

Despite the discovery that the government has already produced, there continues to be material discovery disputes between the parties. The defense, through multiple written correspondences, has attempted to reconcile these disputes with the government directly, hoping, in good faith, to avoid the need for Court intervention. However, given that both lead counsel for the government have been on extended leave for quite some time, these good faith attempts have been, unfortunately, largely futile to date. As such, additional time is needed for the parties to

¹ Prior to filing this Motion, the defense did ask the government whether it opposed a continuance of the trial in this matter. For the reasons stated further on, *i.e.*, the extended leave for both lead government counsel in this case, no meaningful response was provided to the defense. That said, the defense has no reason to believe that the government would oppose this Motion, at least in principal.

attempt to resolve the discovery disputes and/or to seek Court intervention. Mr. Tyson is aware of these issues and has consented to this request for a continuance in writing. (*See Defendant's Consent, attached as Exhibit A.*)

The ends of justice served by granting the requested continuance outweigh the best interest of the public and Mr. Tyson in a speedy trial. This request is not made for the purpose of undue delay or harassment. Instead, this request is made in good faith and for good cause, will not unfairly prejudice any party, and is necessary to ensure that discovery may be completed in this case, that critical pretrial issues may be resolved, and that Mr. Tyson may adequately prepare for his defense.

For good cause shown, Mr. Tyson respectfully requests that this Court grant this Motion and continue the trial date until November 2019, at the earliest, with all pretrial deadlines to correspond consistent therewith.

Respectfully submitted,

/s/ Chris N. Georgalis

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CERTIFICATE OF SERVICE

I hereby certify that on June 7, 2019, a copy of the foregoing was filed electronically.
Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.
Parties may access this filing through the Court's system.

/s/ Chris N. Georgalis
Christos N. Georgalis

Attorney for Defendant Kenneth Tyson